

**REMARKS/ARGUMENTS****Claim Rejection - 35 USC 112**

Examiner has rejected Claim 36 under 35 USC 112, second paragraph. In response, Applicant has appropriately amended Claim 36.

**Claim Rejections – 35 USC 103****Stylli further in view of Roberts**

Examiner has rejected Claims 1-19, 21-22, 25-27, and 29-41 under 35 USC 103(a) as being unpatentable over Stylli further in view of Roberts. In response, Applicant respectfully submits that Examiner has not clearly demonstrated that Stylli combined with Roberts discloses:

- A high capacity microarrayer for spotting solution onto slides, comprising:
- A) a solution removal area,
  - B) a microplate stacking device for stacking microplates,
  - C) a microplate indexing device for sequentially indexing microplates containing solution from said microplate stacking device to said solution removal area and for sequentially indexing said microplates from said solution removal area to said microplate stacking device after at least some of said solution has been removed,
  - D) a slide positioning station for positioning slides, and
  - E) a dispense head for accessing said solution removal area and for removing solution from a solution filled microplate at said solution removal area to spot a slide at said slide positioning station.

Specifically, Examiner has not shown that the cited prior art discloses each element of each of Applicant's claims. Applicant has noted that when Examiner does discuss claim elements, Examiner tends to not state exactly where those elements are disclosed in the prior art. Rather, Examiner seems to be leaving it up to Applicant to read through the cited prior art and make a guess as to what Examiner means.

For example, Examiner states that "...the sample distribution module will often include a plate buffer (e.g., a stacker)." However, Examiner does not state where in Stylli's specification the stacker is discussed, nor does Examiner state where the stacker is shown in the drawings. Also, Claim 1 is limited by "a solution removal area". However,

Examiner only refers Applicant to FIG. 1 and states that "Such a system, as shown in FIG. 1, usually includes the following components: ... b) a sample distribution module to handle (e.g., aspirate samples from containers (sample removal area), ...). However, by reference to FIG. 1, Applicant is unable to find a solution removal area.

Examiner also has not sequentially discussed each claim and shown where each element is found in the prior art. For example, Applicant's Claim 1 is limited by "a slide positioning station for positioning slides". Examiner does not discuss a "slide positioning station". Rather, Examiner cites Roberts and states that Roberts discloses a slide cassette that "...provides for consistency in feeding single slides into a precise orientation for pickup by a slide manipulation assembly of an automated blood smear slide making apparatus". Examiner does not state where in Roberts this is disclosed nor does Examiner state how this is relevant to the element of "slide positioning station". Applicant's Claim 3 is limited by an "input stacking chamber" and an "output stacking chamber". Examiner has not discussed these limitations. Applicant's Claim 4 includes the limitation of "an input chamber lifting mechanism for periodically lifting all microplates in said at least one stacking chamber except a bottom microplate". Examiner has not discussed this limitation.

These are just a few examples. There are many other examples where Examiner has either not specifically shown where the claimed elements are found in the prior art or Examiner has just not mentioned the claimed elements at all.

In summary, Applicant respectfully requests that in order to reject Applicant's claims, Examiner must show that the prior art discloses each element of each claim. To do this, Examiner needs to address each claim and specifically point out in the prior art exactly where all the elements are disclosed.

#### **Applicant's Invention Not Disclosed in Prior Art**

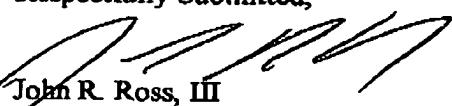
Applicant's claimed invention concerns a device that is used to spot solution contained in stacked microplates onto slides positioned at a slide positioning station. The prior art

references cited by Examiner do not even remotely discuss this feature. Moreover, there is no basis in the prior art references for their combination.

### CONCLUSION

Thus, for all the reasons given above, this application, as the claims are presently limited, define a novel, patentable, and truly valuable invention. Hence allowance of all of the outstanding claims of this application is respectfully submitted to be proper and is respectfully solicited.

Respectfully Submitted,



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